

FORM 26. Docketing Statement

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 16-1410Telebrands Corp. and Bed Bath & Beyond Inc.

v.

Tinnus Enterprises, LLC and Zuru Ltd.

DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent Telebrands Corp. and Bed Bath & Beyond Inc.

Party is (select one)

☒ Appellant/Petitioner ☐ Cross-Appellant
☐ Appellee/Respondent ☐ Intervenor
Tribunal appealed from and Case No. Eastern District of Texas, No. 6:15-cv-00551-RWS-JDLDate of Judgment/Order 12/02/15 & 12/22/15 Type of Case Patent InfringementRelief sought on appeal Reversal of Order

Relief awarded below (if damages, specify) _____
 Order granting Plaintiffs' motion for preliminary injunction, and order entering preliminary injunction and setting bond amount of \$50,000.

Briefly describe the judgment/order appealed from _____
 The Court granted Plaintiffs' motion for a preliminary injunction on December 2, 2015, and on December 22, 2015, entered an order, enjoining Defendants from making, using, importing, marketing, advertising, offering to sell, or selling in the United States the Balloon Bonanza product or any colorable imitation of the same that infringes U.S. Patent No. 9,051,066.

Form 26

FORM 26. Docketing Statement (continued)

Nature of judgment (select one)

☐ Final Judgment, 28 USC 1295

☐ Rule 54(b)

☒ Interlocutory Order (specify type) Preliminary Injunction

☐ Other (explain; *see* Fed. Cir. R. 28(a)(5)) _____

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued _____
In re Telebrands Corp., No. 2016-106

Brief statement of the issues to be raised on appeal _____
See attached list of "Issues On Appeal"

Have there been discussions with other parties relating to settlement of this case?

☒ Yes ☐ No

If "yes," when were the last such discussions?

☐ Before the case was filed below?

☒ During the pendency of the case below?

☐ Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated? ☒ Yes ☐ No

If they were mediated, by whom? _____

U.S. Magistrate Judge Falk

FORM 26. Docketing Statement (continued)

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

If you answered no, explain why not _____
All prior attempts to settle have been unsuccessful.

Provide any other information relevant to the inclusion of this case in the court's mediation program. _____
None

I certify that I filed an original and one copy of this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this 19th day of January, 2016

by: Electronic Mail _____
(manner of service)

Robert T. Maldonado	/s/ Robert T. Maldonado
_____ Name of Counsel	_____ Signature of Counsel

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Issues On Appeal

1. Whether the District Court erred in granting Plaintiffs' motion for a preliminary injunction?
2. Whether the District Court erred by finding that Defendants have failed to raise a substantial question of patentability with respect to the U.S. Patent No. 9,051,066 ("the '066 Patent") is likely valid?
3. Whether the District Court erred by finding that Plaintiffs are likely to prove that the '066 Patent is infringed?
4. Whether the District Court erred in finding that Plaintiffs established irreparable harm based on confusion, harm to reputation, and price erosion?

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by e-mail,
on January 19, 2016, on the following counsel of record:

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